

1 Q Did you mention this patch?

2 A He asked me -- My recollection is he asked me,
3 "How can you put this studio on the air from here?"

4 Q So, it is conceivable that you did mention the
5 patch panel?

6 A It's not conceivable -- My recollection is I said,
7 "You have to throw a switch in the transmitter room."

8 Q Okay.

9 A The transmitter room, being the AM transmitter.

10 Q That is what you think. But are you sure that is
11 what you told him, that it was the AM transmitter in that
12 room?

13 A I can't say whether I said the AM transmitter room
14 or the transmitter room.

15 Q Okay.

16 A But the transmitter room is not the same as the
17 transmitter site.

18 JUDGE STEINBERG: Let me interrupt here. Did you
19 demonstrate to the FCC inspector how this was done?

20 THE WITNESS: No.

21 JUDGE STEINBERG: Did you show him --

22 THE WITNESS: He didn't ask.

23 JUDGE STEINBERG: -- where the AM transmitter was
24 housed in the ten feet down the hall?

25 THE WITNESS: I -- No. I don't think I showed him

1 the transmitter. He didn't ask.

2 JUDGE STEINBERG: Let me just --

3 THE WITNESS: Yeah, I may have confused him. I,
4 obviously confused him, because he's reported it
5 erroneously.

6 JUDGE STEINBERG: When you were with the FCC
7 inspector, you strictly answered what he asked, and you did
8 not volunteer anything?

9 THE WITNESS: That's good advice when you're with
10 an FCC inspector, I think.

11 JUDGE STEINBERG: Is that good advice when you are
12 in a hearing?

13 THE WITNESS: I suspect so, yes.

14 BY MR. ARONOWITZ:

15 Q I believe you just told us a few moments ago that
16 you informed the FCC inspector that there was equipment at
17 Liberty such that WJUX was capable of generating programming
18 from that site. Is that correct?

19 A Yes.

20 Q Did you actually try that equipment?

21 A Try what equipment?

22 Q To try to identify that it was capable of
23 generating programming.

24 A I know it's capable, because we've used it
25 ourselves. Ourselves, being VOS.

1 Q Who is we?

2 A You're talking the board, the microphones, the
3 tape recorders -- Yes. They all work.

4 Q But if I understand you correctly, you told the
5 inspector that there was equipment at Liberty that would
6 allow programming on WJUX to be originated from that studio
7 and transmitted from the WJUX transmitter. Is that correct?
8 Did you ever do that?

9 A I have not done it, no.

10 Q Okay.

11 A But it's done by George Spicka.

12 Q Was it done by George Spicka prior to the time you
13 met with the inspector?

14 A No.

15 Q So, when you told the inspector that, did you have
16 any personal knowledge of whether that equipment actually
17 worked?

18 A No. No personal knowledge.

19 Q When you met with the inspector, did you ever
20 inform the inspector at that time that WJUX was operating at
21 reduced power?

22 A No.

23 Q Have you spoken to anybody about your testimony
24 that you are giving today, other than Ms. Schmeltzer?

25 A Yes. At lunchtime.

1 Q Who would that be?

2 A I had a sandwich with the counsel for Monticello
3 Mountaintop, my employer.

4 Q Okay. Have you had conversations regarding
5 substantive matters relating to this proceeding with anyone
6 other than your counsel and other than things like travel
7 arrangements, and other than with Mr. Weis, your employer?

8 MS. SCHMELTZER: During what period of time?

9 THE WITNESS: Yes.

10 JUDGE STEINBERG: Since the deposition.

11 MR. ARONOWITZ: Thank you.

12 THE WITNESS: Since the deposition, I discussed it
13 with my personal counsel. I discussed it with the counsel
14 for my employer, Monticello Mountaintop. I've discussed it
15 with my wife, who is always curious.

16 BY MR. ARONOWITZ:

17 Q Did you have any discussions with Ms. Montana?

18 A About her testimony or my testimony?

19 Q No. Either.

20 A No. I've had -- We've had discussions about the
21 proceeding, obviously.

22 Q But nothing about your testimony?

23 JUDGE STEINBERG: Why don't you broaden it? Did
24 you have discussions with Ms. Montana about the FCC
25 inspection?

1 THE WITNESS: No. Well, yes, actually. Yes.

2 JUDGE STEINBERG: What was that about?

3 THE WITNESS: I was talking with her about his
4 statement as reported to me that when he got to the station,
5 he found no receptionist. And had to walk down to the
6 VOS -- I don't have his report here in front of me. And I
7 asked Carol, "When he came in the door, you know, couldn't
8 he have seen you sitting in your office?" Because from the
9 door, as you look over to Carol's office -- I mean, she
10 normally keeps a pretty good idea on who, you know, walks
11 in.

12 I don't necessarily want people to come in walking
13 in the station and wandering around. And Carol is up there.
14 And she said, "Well, if I had my back turned to the computer
15 terminal" -- and I actually tested this out. I looked. She
16 cannot see the door, and you cannot see her in her room.
17 So, it is possible. And I was asking her, "Is it possible
18 that he could have gotten in without you seeing him or
19 without seeing you?" And yes. The answer is that you can,
20 cause I've tested this out myself.

21 But she said to me that he came over very shortly
22 thereafter, and leaned in the door and began talking with
23 her. So, that's the substance of my conversation with
24 Carol. And that was just a couple days ago.

25

1 BY MR. ARONOWITZ:

2 Q Have you seen the FCC inspector's report?

3 A Yes.

4 Q Do you know how you got a hold of that?

5 A It's in the papers which I got a copy of -- I'm
6 not sure if it's this packet.

7 JUDGE STEINBERG: You are leafing through your
8 deposition?

9 THE WITNESS: Pardon?

10 JUDGE STEINBERG: Is that your deposition?

11 THE WITNESS: I was sent up a copy from Mr. Riley
12 of all of the papers that were sent in here. And I read
13 them. He asked me to review them, and I read them.

14 And the FCC inspector's report is in that. And I
15 had discussions with Riley about that. And in particular,
16 about the inaccuracy of the statement of having to go to the
17 transmitter site to make the change.

18 BY MR. ARONOWITZ:

19 Q So you reviewed this prior to your testimony?

20 A Yes. I mean, I pointed it out to him. I said,
21 "That's not right."

22 Q Do you recall any other documents you might have
23 seen in connection with this proceeding? Just the packet?

24 A I don't have the packet with me, but whatever he
25 sent up to me, I read it all.

1 Q Did you have any discussions with Mr. Weis
2 regarding your testimony?

3 A No.

4 Q Did you have any discussions with Mr. Turro --

5 A Oh. Mr. Weis. No. Weis or Turro. No.

6 Q Neither?

7 A No. The lawyer.

8 Q Mr. Naftalin?

9 A No.

10 MR. ARONOWITZ: I have no more, Your Honor.

11 JUDGE STEINBERG: Mr. Helmick?

12 MR. HELMICK: Yes. One brief question, Your
13 Honor.

14 BY MR. HELMICK:

15 Q Mr. Blabey, when we were talking this morning, you
16 would actually use the term full service station. I do not
17 understand you to be using that term as it is used by
18 Arbitron. But you referred to WVOS as being a full service
19 station. And you mentioned that they do the local community
20 outreach, anniversaries, birthdays, lost pets, that sort of
21 thing.

22 When you were describing your use of full service,
23 were you meaning to give it the definition that Arbitron
24 does, or were you using it in a reference to a local
25 service --

1 A Absolutely. Absolutely. That is a definition, as
2 I said, I think, this morning. That is a definition in the
3 industry. And it goes to the heart of a programming
4 concept, which is as I say, now is in decline,
5 unfortunately, in my view.

6 And that is, that stations used to try to reach
7 the broadest spectrum of people possible. They were
8 broadcasters. Now the market has focused on narrowcasting,
9 so that you have a target demographic of 18 to 24, or
10 females 24 to 36, or whatever. And to reach target
11 demographics on a very narrowly focused basis, you have to
12 find a format that is very consistent, and stick to that
13 format in a very -- almost scientific way.

14 Full service, by its nature -- In the old days,
15 stations would have blocks for children's programming, for
16 religion, for farm, for women's service programming, news,
17 music of various categories. You know, you would have
18 dinner music at supper time and afternoon music. That's
19 gone by the boards pretty much.

20 So, full service refers to those old line stations
21 in the industry that still broadcast, rather than narrow
22 cast. And the full service is the full spectrum. And
23 that's what I meant this morning, and that's what I mean
24 now.

25 MR. HELMICK: Thank you. No further questions,

1 Your Honor.

2 JUDGE STEINBERG: Mr. Naftalin?

3 MR. NAFTALIN: No questions, Your Honor.

4 JUDGE STEINBERG: I have one thing I forgot to ask
5 this morning.

6 You mentioned that VOS pulled something off a
7 satellite?

8 THE WITNESS: Yes.

9 JUDGE STEINBERG: What do you pull off a
10 satellite?

11 THE WITNESS: We have the ABC Information Network.
12 We're an affiliate. So, I take ABC news on the hour, sports
13 programming. At night between midnight and 5:30 in the
14 morning, I take a program out of Los Angeles called, "After
15 Midnight", which is off the satellite and is produced on the
16 west coast, which is network programming. And occasionally,
17 for example, when Garth Brooks had his --

18 JUDGE STEINBERG: Central Park --

19 THE WITNESS: Right. We will do a network
20 broadcast of the CMA awards or things like that. That will
21 come via satellite. The rest of the time, we are local and
22 we are live. And that too, is becoming rare in small
23 markets.

24 JUDGE STEINBERG: Okay. Any questioning that is
25 evolved from that?

1 MR. NAFTALIN: No, Your Honor.

2 JUDGE STEINBERG: Okay. Let me excuse you now.

3 THE WITNESS: Thank you.

4 JUDGE STEINBERG: I am going to instruct you not
5 to talk about your testimony, any of my questions, any of
6 the lawyer's questions and any of your answers with anybody.
7 Especially, not Ms. Montana, because there is a remote
8 possibility that you might have to come back or be
9 questioned some more, maybe by speaker phone. I do not
10 anticipate it, but there is the possibility. And as long as
11 that exists, I would rather have nobody talk to anybody.
12 Don't talk to your wife about it either, because she might
13 talk to somebody.

14 THE WITNESS: Okay. Fair enough. I did not talk
15 about Carol's testimony yesterday with counsel or with
16 Carol. And so, I have no knowledge of anything she said.

17 JUDGE STEINBERG: Okay. Well, she has the same
18 instructions. Thank you very much. I appreciate it.

19 THE WITNESS: Okay. Well, thank you.

20 JUDGE STEINBERG: I appreciate it. Let's go off
21 the record now.

22 (Witness excused.)

23 (Whereupon, a short recess was taken.)

24 JUDGE STEINBERG: Okay. We are ready to go back
25 on the record.

1 Mr. Howard Warshaw has taken the witness stand.

2 Let me swear you in.

3 Whereupon,

4 HOWARD WARSHAW

5 having been first duly sworn, was called as a witness herein
6 and was examined and testified as follows:

7 JUDGE STEINBERG: Please state your name and
8 address for the record.

9 THE WITNESS: My name is Howard Warshaw.
10 W-A-R-S-H-A-W.

11 JUDGE STEINBERG: Okay. Now, let me just observe
12 that the only thing that I see in the record that has Mr.
13 Warshaw's signature on it is Page 48 of Bureau Exhibit 2.
14 Mr. Naftalin, I think you requested Mr. Warshaw?

15 MR. NAFTALIN: That is correct, Your Honor.

16 JUDGE STEINBERG: Did Mr. Riley request Mr.
17 Warshaw?

18 MR. RILEY: No, I did not.

19 JUDGE STEINBERG: So --

20 MR. RILEY: I do not believe I did. I am sure I
21 did not.

22 JUDGE STEINBERG: Well, at least somebody did,
23 because if nobody did then, we have him down here for
24 nothing.

25 MR. NAFTALIN: I did, Your Honor.

1 JUDGE STEINBERG: Are you going to do direct
2 examination of Mr. Warshaw as an adverse witness?

3 MR. NAFTALIN: Yes, Your Honor.

4 JUDGE STEINBERG: Okay. I just want to make sure.
5 I should have asked at the admissions session.

6 MR. NAFTALIN: It is actually in our direct case..
7 I stated that in our direct case.

8 JUDGE STEINBERG: I had forgotten. That was a
9 whole two weeks ago?

10 MR. NAFTALIN: At least. No, more than that.
11 Actually, almost a month ago.

12 JUDGE STEINBERG: You cannot expect me to remember
13 anything longer than that. Okay, just as everybody knows.
14 Inasmuch as Mr. Warshaw is an adverse witness, and you are
15 going to develop his interests?

16 MR. NAFTALIN: Yes, Your Honor.

17 JUDGE STEINBERG: You can lead as much as you
18 want. And if Mr. Riley wants to examine, I guess he can.
19 Then we will do cross. But, we will get to that when we
20 come to it.

21 So, let me turn it over to Mr. Naftalin.

22 MR. HELMICK: Well, there is one other --

23 JUDGE STEINBERG: Yes, sir?

24 MR. HELMICK: -- observation, Your Honor. You can
25 go with this where you want. It seems to be a double-edged

1 sword. I want to remind Your Honor, Your Honor made a
2 ruling early on this case during the discovery proceeding,
3 that financial and economic concerns of WVNJ was not
4 relevant to this proceeding. Now, if they want to ask
5 questions on that, I will either object or let it go, as
6 long as I feel that it may be appropriate. I just wanted to
7 remind you that.

8 MR. NAFTALIN: Your Honor, I have no intention of
9 quizzing Mr. Warshaw about the details of the operations of
10 WVNJ or its finances. Early on, I would like to ask a
11 couple of quick questions about his view of whether Jukebox
12 Radio is a competitor or not. But just general.

13 JUDGE STEINBERG: Right. But that would go to
14 another matter.

15 MR. NAFTALIN: Of course. And that is what I
16 said. It will not be in any kind of scrutiny on this.

17 JUDGE STEINBERG: Okay. Let's see where we go.

18 MR. NAFTALIN: Okay.

19 JUDGE STEINBERG: Mr. Naftalin?

20 DIRECT EXAMINATION

21 BY MR. NAFTALIN:

22 Q Good afternoon, Mr. Warshaw, and thank you for
23 coming to testify.

24 Let me just go through a few terms that will
25 probably come up over and over again. Some shorthand terms,

1 during your examination, so we know we are talking about the
2 same things at the same time.

3 So, for purposes of this examination, Mr. Warshaw,
4 will you agree that if we refer to the Ft. Lee translator,
5 it will mean translator station W276AQ in Ft. Lee, New
6 Jersey license to Gerard A. Turro?

7 A I can't remember the W24A6Q without referring --

8 Q Would you take my representation, sir, that that
9 is the correct call sign?

10 A Okay.

11 Q Thank you. And similarly, if we refer to the
12 Pomona translator, we will be referring to translator
13 station W232AL in Pomona, New York. And please accept my
14 representation that that is the right call sign, Mr.
15 Warshaw. And it too, is licensed to Gerard A. Turro.

16 Would you agree that we can call that the Pomona
17 translator?

18 A Yeah. But I can't remember which is which.

19 JUDGE STEINBERG: One is Ft. Lee and one is
20 Pomona.

21 THE WITNESS: Yeah. But not with the --

22 MR. NAFTALIN: I want to do this, so we do not
23 have to refer to call signs.

24 THE WITNESS: Okay.

25 MR. NAFTALIN: I can just say Pomona translator,

1 that means Pomona. I can say Ft. Lee translator, that means
2 Ft. Lee. That is why I am going through this exercise.

3 THE WITNESS: I'll try to remember that.

4 MR. NAFTALIN: Okay. If you forget, just let me
5 know.

6 BY MR. NAFTALIN:

7 Q And if we refer to the Monticello station, Mr.
8 Warshaw, will you agree that we will be meaning FM radio
9 station WJUX licensed to Monticello, New York, formerly
10 known as WXTM, which is licensed to Monticello Mountaintop
11 Broadcasting, Inc.?

12 A Okay.

13 Q Thank you. If we refer to the Dumont studio, we
14 will be referring to the program production studio of
15 Jukebox Radio located in Dumont, New Jersey. Is that all
16 right with you, sir?

17 A Okay. I'll --

18 Q You have to say yes or no. The Court Reporter
19 cannot pick it up.

20 A Yes.

21 Q Mr. Warshaw, if we refer to the microwave or the
22 microwave station, we will be referring to the now defunct
23 microwave station, which had the call sign WMJ499. Let me
24 assure, sir, on my representation, that is the correct call
25 sign, which has been licensed to Mr. Turro and a transmit

1 point at the Dumont studio and at the Ft. Lee translator.
2 So, if we refer to the microwave, that is what we will be
3 referring to. Is that all right with you?

4 A Okay. You're going to refer to it as the
5 microwave, and not by its number?

6 Q Correct. Then, we do not juggle call signs.

7 A Okay.

8 Q Finally, if we refer to Universal, Mr. Warshaw,
9 will we understand that that is Universal Broadcasting of
10 New York, Inc., the licensee of WVNJ Oakland, New Jersey?

11 A Okay.

12 Q Thank you. Mr. Warshaw, you are a shareholder of
13 Universal, aren't you, sir?

14 A I am.

15 Q In fact, you own nearly 50 percent of the voting
16 shares of Universal. Is that correct?

17 A Yes.

18 Q Your wife owns nearly 50 percent of the voting
19 shares, as well. Is that right?

20 A Yes.

21 Q Both of you are actively involved in the
22 management and operations of WVNJ?

23 A Yes.

24 Q And you are there regularly in the activities of
25 the station?

1 A Yes.

2 Q You have the authority to hire and fire employees,
3 and hire and fire lawyers, engineers and consultants?

4 A Yes.

5 Q Isn't it true that you view Jukebox Radio as
6 causing competitive harm to Station WVNJ?

7 A Competitive harm?

8 Q Yes, Mr. Warshaw.

9 A Well, the fact that they compete with us costs us
10 money. Yes.

11 Q Isn't it also true, sir, that you would like
12 Jukebox Radio shut down?

13 A Yes.

14 Q In fact, Universal, through its counsel, filed a
15 Complaint with the FCC dated February 15, 1995 to further
16 your interests in having Jukebox Radio shut down?

17 A Yes.

18 Q And you have also undertaken various other
19 activities at the FCC with a mind towards having Jukebox
20 Radio shut down?

21 A I don't know what activities you're referring.

22 Q I can be more specific. You have had your counsel
23 file, in furtherance of that Complaint, other materials with
24 the FCC in an effort to have Jukebox Radio shut down?

25 A Yes.

1 Q And you have also authorized your counsel to lobby
2 members of the FCC staff in furtherance of your interests to
3 have Jukebox Radio shut down?

4 A I wouldn't say that.

5 Q You have not had your counsel lobby any members of
6 the FCC staff in furtherance --

7 A No.

8 Q How about in furtherance of the February 15, 1995
9 Complaint?

10 A How about it?

11 Q Did you have your counsel lobby anyone there?

12 A Lobbying?

13 Q In favor of that Complaint. Talk to them, try and
14 get them to act on it.

15 A Oh, yes.

16 Q You have had your counsel speak with members of
17 the FCC staff to try and further your interests in having
18 Jukebox Radio shut down?

19 A Yes.

20 Q And you, yourself, have spoken to members of the
21 FCC staff in furtherance of your interests in having Jukebox
22 Radio shut down?

23 A Yes.

24 Q Mr. Warshaw, isn't it true that in approximately
25 late 1994 or early 1995, you became very concerned about the

1 operations of Jukebox Radio or Mr. Turro's Ft. Lee
2 translator and that microwave station?

3 A Yes.

4 Q And at some point, again, during that late 1994 or
5 early 1995 time frame, didn't you personally go out
6 somewhere in the vicinity of Ft. Lee, New Jersey or Dumont,
7 New Jersey with some kind of radio, and actually listen in
8 on that microwave --

9 A Yes.

10 Q Let me finish. On that microwave frequency?

11 A Yes.

12 Q Thank you. And you heard, or you believe you
13 heard Jukebox Radio programming on the microwave frequency.
14 Didn't you?

15 A Yes.

16 Q And upon hearing or thinking you were hearing
17 Jukebox Radio programming on the microwave frequency, this
18 convinced you that Jukebox Radio or Mr. Turro were in
19 violation of the FCC's rules?

20 A The program I heard was from the Dumont studio.
21 Okay? It wasn't from Jukebox Radio.

22 Q Okay. Was it your understanding the nature of the
23 audio you heard on the microwave, though, was Jukebox Radio
24 programming, as that is commonly called?

25 A Yes.

1 Q When you heard this audio material on the
2 microwave frequency --

3 A Yeah.

4 Q -- did this convince you personally that the
5 Jukebox Radio programming was being originated at the Dumont
6 studio and provided directly to the Ft. Lee transmitter?

7 A Yes.

8 Q Now, at no time did you personally go to the Ft.
9 Lee translator and its equipment yourself?

10 A I did not.

11 Q To your knowledge, no one under your direction,
12 has ever done the same?

13 A To my knowledge?

14 Q To your knowledge.

15 A Yes. Terry Dalton went up to that building.

16 Q Did Mr. Dalton go inside the building, enter an
17 enclosure and examine the Jukebox Radio transmission
18 equipment, electronics, that sort of thing?

19 A No. No. Only the antennas were examined and
20 photographed.

21 JUDGE STEINBERG: Why don't you identify Terry
22 Dalton, please?

23 BY MR. NAFTALIN:

24 Q Who is Terry Dalton?

25 A Terry Dalton was a engineer -- not a consultant,

1 but a hands-on engineer that worked for us for a time when
2 we first started with Cohen, Dippell & Everist.

3 Q Okay.

4 A And he was from Delaware.

5 Q So, he was not a regular employee of WVNJ?

6 A He was a consultant. He got paid for what he did.
7 He was not on the regular payroll.

8 Q He was a consulting engineer of some sort?

9 A He wasn't an engineer, really. He was like
10 somebody you would have every day at the station, only he
11 was in Delaware. So, we didn't have him every day.

12 Q Okay. Before you became concerned about Mr. Turro
13 and Jukebox Radio in late 1994 and early 1995, you had had
14 dealings with the consultant engineering firm of Cohen,
15 Dippell & Everist. Isn't that right?

16 A Yeah.

17 Q That was a firm that was known to you personally?

18 A No. It was recommended to us by counsel.

19 Q Had they been performing some kind of engineering
20 functions for WVNJ?

21 A Yes.

22 Q Is that how you happened to know them?

23 A Yes.

24 Q Had you communicated with any of the engineers at
25 Cohen, Dippell & Everist personally, by January of 1995?

1 A Oh, sure.

2 Q Did you speak personally with Wilson LaFollette of
3 that firm?

4 A Yes.

5 Q In roughly in January of 1995, is it correct that
6 you decided to ask the firm of Cohen, Dippell & Everist to
7 look into your concerns about Jukebox Radio and Mr. Turro?

8 A Yes.

9 Q Did you speak to Mr. LaFollette personally about
10 that subject?

11 A No.

12 Q Who did you speak to about that subject?

13 A Mr. Guill and Mr. Everist.

14 Q Okay.

15 A And when Guill came up, he brought LaFollette with
16 him.

17 Q So, you communicated with Mr. LaFollette for the
18 first time when they came to look into the matter?

19 A Yes.

20 Q Isn't it true, Mr. Warshaw, that you asked the
21 engineers at Cohen, Dippell & Everist, to prove that Jukebox
22 Radio programming was being provided directly from the
23 Dumont studio at Ft. Lee?

24 A I asked them to prove that they were doing that --
25 that we already had information to that extent, and we

1 wanted them to go ahead and prove the same thing. Yes.

2 Q You asked Cohen, Dippell & Everist to prove that
3 Jukebox Radio programming was being originated at the Dumont
4 studio and sent directly over the microwave to the Ft. Lee
5 transmitter?

6 A Yes.

7 Q Thank you. Isn't it also true, Mr. Warshaw, that
8 you, in the same context, asked Cohen, Dippell & Everist to
9 provide back-up for your belief that this activity was going
10 on?

11 A I don't see the distinction.

12 Q Would you agree that you asked them to provide
13 back-up to your belief that the FCC's rules were being
14 violated by program origination at the Dumont studio and
15 being sent on the microwave to Ft. Lee?

16 A I showed them what we did, and asked them to form
17 their own test. From what we had accomplished, and asked to
18 do their own test. I didn't tell them what to do.

19 Q You did ask them to prove this matter?

20 A Yes.

21 Q I use the word back-up, because it is a word you
22 used in your deposition. Do you dispute that you were
23 likely to have used that word in your deposition?

24 A It's possible.

25 Q Did Cohen, Dippell & Everist come to New Jersey on

1 February 2, 1995 and conduct some kind of an investigation
2 on your behalf?

3 A I don't think so. I think that that was the date
4 they reported it.

5 Q Well, I do not need the exact date.

6 A I don't know the exact date. But my recollection
7 is that is the date of their report.

8 Q Is it fair to say somewhere right toward the end
9 of January or early February, they came up to New Jersey and
10 looked into the matter you were concerned about?

11 A It wasn't a long time between the time that they
12 came up, and the time that they gave us the report.

13 Q That is fine, Mr. Warshaw.

14 JUDGE STEINBERG: Let me just interrupt and say,
15 please, Mr. Warshaw, wait for him to finish the question,
16 even though you know where it is going. It just makes it
17 easier when we all read this later. And Mr. Naftalin, wait
18 for Mr. Warshaw to finish answering.

19 MR. NAFTALIN: Thank you.

20 THE WITNESS: I am sorry.

21 JUDGE STEINBERG: That is okay. Everybody does
22 it.

23 BY MR. NAFTALIN:

24 Q At any rate, Cohen, Dippell & Everist came up
25 approximately the time frame we were discussing, and

1 conducted some kind of investigations along the lines that
2 you wanted. Isn't that right?

3 A Well, Cohen, Dippell & Everist did not come up.

4 Q Well, all right. Let me rephrase that. Thank you
5 for catching me, Mr. Warshaw.

6 Engineers from the firm of Cohen, Dippell &
7 Everist came to New Jersey and conducted investigations
8 along the lines you wanted. Isn't that right?

9 A Yes.

10 Q You said earlier that when they were up in New
11 Jersey that is when you first met Mr. LaFollette. Is that
12 correct?

13 A When they came up to do the investigation -- When
14 Mr. Guill came up, he brought Mr. LaFollette with him.

15 Q Okay. That is fine. At some point shortly after
16 the engineers from Cohen, Dippell & Everist conducted the
17 investigations we have just been discussing, isn't it true,
18 Mr. Warshaw, that Mr. LaFollette, or perhaps one of the other
19 members of Cohen, Dippell & Everist suggested to you that an
20 engineering assessment also be made of the Pomona
21 translator?

22 A There was some mention of Pomona. Yes.

23 Q Isn't it also true, Mr. Warshaw, that Mr. Guill --
24 Am I pronouncing that right?

25 A Guill.